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December 6, 2024

VIA ECF

Hon. Kenneth M. Karas, U.S.D.J.
 United States District Court, S.D.N.Y.
 300 Quarropas Street, Chambers 533
 White Plains, New York 10601-4150

Re: *Mavis Discount Tire, Inc. and Mavis Tire Supply LLC v. Federal Insurance Company, Main Street America Assurance Company, and Chubb Insurance Company of New Jersey*
Civil Action No. : 7:23-cv-04815-KMK

Dear Ms. Felter:

Our firm represents plaintiffs Mavis Discount Tire, Inc. and Mavis Tire Supply LLC (“Mavis”) in the above-mentioned matter. I write pursuant to the Order at the October 8, 2024 Status Conference to provide the Court with a status report regarding discovery and with consent of all parties.

Discovery is complete in this matter.

Defendant Federal Insurance Company (“Federal”) has agreed to defend Mavis for the claims in the underlying tort action, subject to a reservation of rights on indemnity. Federal has reimbursed Mavis for past-defense costs incurred post tender. Mavis is prepared to discontinue its claims against defendant Main Street America Assurance Company (“Main Street”). Federal will maintain its cross-claim against Main Street.

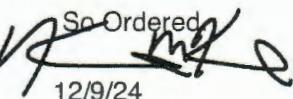
This Court should note that the parties in the underlying tort action have moved for summary judgment, and the motions are fully briefed. The decisions on those motions will have significant impact on the insurance duties to indemnify of Federal and defendant Chubb Insurance Company of New Jersey, which remain at issue in this action. As such, we suggest that the Court stay this action until those motions are decided.

The Parties are to provide another status report by February 9, 2025. The Action is stayed until then.

Respectfully submitted,



Marshall T. Potashner

So Ordered

 12/9/24

MTP:mp
 cc: Karen Felter, Esq. (via ECF)
 Melissa F. Brill, Esq. (via ECF)